

## REMARKS

The election requirement appears to be improper and is responded to with traverse.

MPEP 806.04(e) stated (emphasis in original): “Claims are definitions of inventions. *Claims are never species.*” The claims in the present application are different definitions of the same disclosed subject matter, varying in breadth or scope of definition. The Office Action appears to have treated the claims as species, which is incorrect.

MPEP 806.04(f) states: “to require restriction between claims limited to species, the claims must not overlap in scope.” The claims of the present application overlap in scope.

For example, as the Examiner noted, claim 18 recites “at least a portion of the layer of nonconductive compliant material having a top surface lower than a top surface of at least one of said first plurality of interconnect structures.” Claim 25 recites “a nonconductive compliant material disposed adjacent to the first interconnect structure and the second interconnect structure and between the first wafer and the second wafer, the nonconductive compliant material structurally supporting the first wafer during thinning of the first wafer.”

Claim 32 recites “a portion of the first layer of nonconductive compliant material selectively removed to expose the first conductive interconnect” and “the first layer of nonconductive compliant material physically contacts the second layer of nonconductive compliant material providing structural support to the stacked wafer structure.”

Claim 35 recites “a portion of the nonconductive photodefinable compliant material selectively removed exposing a top surface of the first conductive interconnect and creating a space around the first conductive interconnect” and “the nonconductive compliant material physically contacts the second dielectric layer providing structural support to the stacked wafer structure.”

Accordingly, the election requirement appears to be improper and is responded to with traverse.

### CONCLUSION

The Applicant believes that the above remarks are fully responsive to the Office Action dated March 28, 2006.

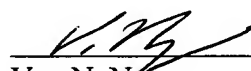
The Applicant respectfully submits that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Ms. Van N. Nguy or Mr. Michael A. Bernadicou at (408) 720-8300.

Pursuant to 37 C.F.R. 1.136(a)(3), the Applicant hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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Van N. Nguy  
Reg. No. 55,851

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1030  
(408) 720-8300